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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

FRED BERKEY,

CV 02-410-HO

Plaintiff,

vs.

ORDER

COMMISSIONER of Social Security,

Defendant.

Attorney fees in the amount of \$6,837.50 are hereby awarded to Plaintiff's attorney pursuant to 42 U.S.C. § 406(b). The court finds this is a reasonable fee. Previously, this court awarded \$3,550.00, pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. When issuing the § 406(b) check, the agency is directed to subtract the amount previously awarded under the EAJA, and to send to Plaintiff's attorney **at his current address shown above** the balance of \$3,287.50, minus the user fee. Any withheld amount remaining (including the EAJA fee offset) after all attorneys fees are paid should be released to the claimant.

DATED this 12th day of May, 2005.


United States District Judge

Presented by:
/s/ Tim Wilborn, OSB # 94464
(503) 697-7019
Attorney for Plaintiff